

13:32:16 1 of the hypothetical circuit they're thinking about,
32:20 2 right?

13:32:20 3 A. Yes.

13:32:20 4 Q. The A location may want a Qwest POP and they
13:32:25 5 may want to terminate at a Williams POP, right?

13:32:28 6 A. Right.

13:32:29 7 Q. And maybe it's a DS3 from point to point,
8 right?

13:32:32 9 A. Yes.

13:32:32 10 Q. So they want to say, okay, do we have capacity
13:32:35 11 for a DS3 drop at our POP and does Williams have
13:32:38 12 capacity for a DS3 drop at their POP, right?

13:32:43 13 A. Hypothetically, yes.

13:32:45 14 Q. Using that as an example. In that case you
13:32:47 15 use WALRSS as an inquiry to NSS to determine whether or
13:32:51 16 not that DS3 drop is available at the Williams POP on
13:32:56 17 the level 3 POP?

13:32:58 18 A. And --

13:32:58 19 Q. And the Qwest POP?

13:33:01 20 A. And the Qwest POP.

13:33:02 21 Q. And then NSS will come back with what type of
13:33:05 22 answer?

13:33:05 23 A. The same response as if it's an order.

13:33:08 24 Q. Okay. So if capacity -- if a DS3 drop is
33:13 25 available at the Qwest, it will say funded?

13:33:18 1 A. Well, if it's available. If the
 33:21 2 point-to-point service is available or the --
 13:33:24 3 Q. They just comment on the whole circuit?
 13:33:26 4 A. Yes.
 13:33:27 5 Q. So they'll comment on the whole A to Z
 13:33:31 6 circuit?
 13:33:31 7 A. Yes.
 13:33:32 8 Q. And they'll say either it's funded or not
 13:33:35 9 funded?
 13:33:35 10 A. It will say no facilities if there's no
 13:33:38 11 facilities to the Williams POP.
 13:33:40 12 Q. Right.
 13:33:40 13 A. If there is facilities, they'll say what the
 13:33:43 14 construction interval is and what the -- funded or not
 13:33:46 15 funded.
 13:33:47 16 Q. Okay. And so if there -- assume there was a
 13:33:50 17 DS3 drop available at the Qwest POP and there was a DS3
 13:33:56 18 drop available at the Williams POP, they would come back
 13:33:58 19 and say facilities available, funded?
 13:34:02 20 A. Yes.
 13:34:02 21 Q. That's correct?
 13:34:03 22 A. Assuming it met our funding criteria.
 13:34:08 23 Q. Right. And then you could take that and pick
 13:34:12 24 up the phone and talk to your customer contact at Qwest
 13:34:15 25 and say, got the information back from NSS. Yes, you're

13:34:19 1 set up to handle a DS3 drop and also Williams is set up
 34:24 2 to handle a DS3 drop.
 13:34:26 3 A. As of today.
 13:34:28 4 Q. We can -- pardon?
 13:34:29 5 A. As of today.
 13:34:31 6 Q. Right. But it would be fine for you to pick
 13:34:34 7 up the phone and you to have that conversation with
 13:34:36 8 them?
 13:34:36 9 A. Yes. If you want the service, you can place
 13:34:39 10 your order.
 13:34:40 11 Q. Got it.
 13:34:41 12 And that type of information flow, that's
 13:34:47 13 one service you offer to your customers?
 13:34:49 14 A. Yes.
 13:34:54 15 Q. I say customers plural, but you just have one.
 13:35:04 16 A. Yes, one, Qwest.
 13:35:06 17 Q. Sounds like one little customer, but it's a
 13:35:08 18 big one, right?
 13:35:09 19 A. It's a big one.
 13:35:10 20 Q. The special access customers, customers that
 21 go to the access account managers typically are a
 22 telecom carrier, right?
 13:35:13 23 A. Industry markets handles interexchange
 13:35:16 24 carriers.
 13:35:16 25 Q. And so ICs and other telecom carriers are the

13:35:23 1 ones that are ordering special access circuits, right?

13:35:25 2 A. End users also order special access services.

13:35:28 3 Q. Do they?

13:35:29 4 A. Yes.

13:35:29 5 Q. I imagine they're sophisticated end users;

13:35:33 6 they want their own SONET rings, or --

13:35:36 7 A. Any special access, DS1s, DS3s. Any end user
13:35:42 8 can order out of the access tariff.

13:35:44 9 Q. So people can order special access both for
13:35:48 10 wholesale and retail purposes?

13:35:49 11 A. Yes.

13:35:52 12 Q. I'm learning more about this every day. I
13:35:55 13 appreciate this.

13:36:05 14 So we had -- we had just finished one
13:36:09 15 hypothetical, which was a tool you had available to you
13:36:12 16 to determine whether or not facilities are available for
13:36:15 17 a customer's proposed circuit, right?

13:36:18 18 A. Yes.

13:36:21 19 Q. And what other tools do you have available?

13:36:26 20 A. For what type of -- I mean --

13:36:30 21 Q. Well, you have -- for instance, you have TIRKS
13:36:34 22 access, correct?

13:36:35 23 A. Yes, I do.

13:36:36 24 Q. And what is TIRKS?

13:36:38 25 A. It's a record keeping system with the database

13:36:42 1 for Southwestern Bell or SBC.

13:36:47 2 Q. Is it just limited to SWBT, or does it include

13:36:53 3 all of SBC fiber and circuits?

13:36:56 4 A. TIRKS is available in all SWBT region -- SBC

13:37:00 5 regions.

13:37:01 6 Q. All SBC regions?

13:37:04 7 A. All SBC territory.

13:37:06 8 Q. Is it limited to the utility businesses or is

13:37:08 9 it also the unregulated businesses?

13:37:10 10 A. I'm not sure utility versus unregulated.

13:37:14 11 Q. ASIs, AS-5 circuits in there?

13:37:19 12 A. All design circuits.

13:37:20 13 Q. Is it long distance --

13:37:21 14 A. All design circuits are in TIRKS.

13:37:23 15 Q. Are the long distance company circuits in

13:37:27 16 there?

13:37:27 17 A. I would assume so.

13:37:29 18 Q. Okay. All design circuits owned by SBC are in

13:37:33 19 there?

13:37:33 20 A. Not necessarily owned by SBC; that are on SBC

13:37:37 21 network or --

13:37:41 22 Q. Physically owned, even if they're leasing them

13:37:47 23 out, right?

13:37:48 24 A. Yes.

13:37:50 25 Q. So you have direct TIRKS access as an access

13:37:53 1 account manager?

13:37:54 2 A. Yes, I do.

13:37:56 3 Q. And do other SWBT account managers, access
13:38:00 4 account managers, have direct TIRKS access?

13:38:03 5 A. Many do.

13:38:04 6 Q. Many do. Is it fair to say anyone who wants
13:38:10 7 it can get it?

13:38:10 8 A. For a valid business reason an account manager
13:38:13 9 can request it.

13:38:14 10 Q. If an account manager says, I'd like to get
13:38:17 11 TIRKS access, he or she can get it?

13:38:20 12 A. If they have a valid reason and they have
13:38:23 13 their supervisor's authorization.

13:38:27 14 Q. And a valid business reason would be just to
13:38:28 15 do your daily job, right?

13:38:30 16 A. It could be, yes.

13:38:35 17 Q. All right. So what is in TIRKS? Tell me
13:38:38 18 that.

13:38:40 19 A. Like I said, it's our database for all design
13:38:43 20 circuits and systems in SBC territory.

13:38:51 21 Q. So every lit circuit is in there, every
13:38:55 22 working circuit?

13:38:56 23 A. Every working circuit --

13:38:57 24 Q. Is inventoried in TIRKS?

13:38:59 25 A. To my knowledge.

13:39:03 1 Q. What else is in there?

13:39:07 2 A. You have the circuit designs, you have the --

13:39:10 3 Q. And by that you mean like route and path

13:39:14 4 information for the circuit?

13:39:15 5 A. The equipment used, the facilities used, the

13:39:19 6 drops, the drop assignments, ACTL codes.

13:39:27 7 Q. So on a circuit, on an A-to-Z circuit, you

13:39:32 8 could determine every node it travels through?

13:39:35 9 A. Yes.

13:39:36 10 Q. If it traveled through three COs, that would

13:39:39 11 show up --

13:39:40 12 A. Yes.

13:39:40 13 Q. -- in TIRKS?

13:39:44 14 It doesn't matter whether it's loop or

13:39:49 15 interoffice fiber, right?

13:39:51 16 A. I mean, the circuit design would have what

13:39:54 17 facility it used from A to Z.

13:39:59 18 Q. Regardless of whether the customer prem is the

13:40:04 19 A or Z point?

13:40:04 20 A. Right.

13:40:04 21 Q. Or regardless of whether or not the COs are

13:40:08 22 the A and Z points?

13:40:10 23 A. Well, the services.

13:40:12 24 Q. For interoffice fiber?

13:40:14 25 A. I don't know of any circuit that's CO to CO.

13:40:18 1 Q. How is interoffice fiber designated?

13:40:21 2 A. I have no clue.

13:40:23 3 Q. Okay. You're more focused on things that

13:40:26 4 terminate on a customer prem or a node or a POP, right?

13:40:29 5 A. That terminate to my customer's POP.

13:40:32 6 Q. Right. What about dark fiber? Is it in

13:40:52 7 TIRKS?

13:40:54 8 MR. HARTLEY: Object to form.

13:40:56 9 A. I don't know how it would be listed.

13:41:02 10 Q. Can you use TIRKS to tell me -- say you're

13:41:11 11 going to research between a CO and a Qwest POP. Can you

13:41:15 12 tell me the fiber count of the fibers connecting those

13:41:18 13 two?

13:41:19 14 A. I have no way of knowing that. I don't know

13:41:23 15 how to do it.

13:41:25 16 Q. Can someone who knows TIRKS determine that?

13:41:28 17 A. I don't know.

13:41:30 18 Q. Do you use TIRKS?

13:41:31 19 A. Yes, I use TIRKS.

13:41:32 20 Q. What do you use TIRKS for?

13:41:35 21 A. I use TIRKS to provide the inventory for my

13:41:41 22 customer. I use it to -- if they have a problem with

13:41:47 23 their design of their circuit, I can look at their --

13:41:54 24 compare their DLR versus what their circuit design is in

13:41:58 25 TIRKS, and I look at the status of the pending systems.

13:42:05 1 Q. What systems?

13:42:09 2 A. Their SONET rings or their -- their orders or

13:42:17 3 service requests.

13:42:18 4 Q. And TIRKS will tell you what stage of building

13:42:26 5 they're at?

13:42:27 6 A. It will tell me if it's in effect or still

13:42:31 7 pending.

13:42:33 8 Q. A given circuit, you mean?

13:42:35 9 A. A given circuit.

13:42:44 10 Q. What else? What else do you use TIRKS for?

13:42:52 11 A. That's -- that's basically all I use it for.

13:42:59 12 Q. You said you use TIRKS to provide inventory to

13:43:02 13 your customer. What do you mean by "inventory"?

13:43:04 14 A. I look at their SONET rings that are going to

13:43:09 15 their POPs, look at the configuration and tell them how

13:43:13 16 much is spare capacity on their dedicated rings.

13:43:31 17 Q. Now, their SONET rings run to third-party POPs

13:43:38 18 sometimes.

13:43:43 19 A. I don't know if I can disclose what their

13:43:45 20 network configuration is or should --

13:43:47 21 Q. Well, that's why I'm staying away from

13:43:51 22 anything confidential. Just say third party.

13:43:53 23 A. Qwest -- none of the dedicated rings that

13:43:57 24 Qwest have involve any third party.

14:14 25 Q. Now, when you say inventory to your customer

13:44:17 1 that you use TIRKS to disclose, it's not just SNET
 44:22 2 rings, right; it's other circuits also?
 13:44:24 3 A. I have in the past provided what capacity they
 13:44:28 4 have on a DS3, what T-1s are spare at their request.
 13:44:40 5 Q. And are those -- is that DS3 or T-1 that ran
 13:44:51 6 to a CO?
 13:44:52 7 A. That would be MUX'd to one of our central
 13:44:56 8 offices.
 13:45:17 9 Q. Now, if a customer said, we are looking at
 13:45:20 10 establishing a circuit to -- I don't know what's a good
 13:45:28 11 Dallas business, but -- Nortel, there's a good telephone
 13:45:35 12 company -- to Nortel. We want to, you know, build a
 13:45:40 13 circuit to them. Is this something you would be able to
 13:45:43 14 provision for us quickly? Is that something you can
 13:45:45 15 pull up in TIRKS and look at and be able to determine
 13:45:49 16 that?
 13:45:49 17 A. I would not.
 13:45:50 18 Q. Is that something TIRKS -- is that information
 13:45:53 19 in TIRKS, whether or not there's a DS3 drop at the
 13:45:58 20 Nortel customer prem?
 13:46:00 21 A. I think if you -- TIRKS would be able to
 13:46:06 22 ascertain or to let you know if there is capacity
 13:46:13 23 available.
 13:46:13 24 Q. At the Nortel customer premise?
 13:46:15 25 A. At the Nortel customer premise.

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13:46:17 1 Q. At any customer premise?

46:19 2 A. If we have facilities there -- if Southwestern
13:46:25 3 Bell had facilities to that location.

13:46:26 4 Q. Right. So TIRKS will tell you for any
13:46:29 5 customer premise that Southwestern Bell serves what
13:46:34 6 available capacity is available at that premise?

13:46:39 7 A. Yes.

13:46:48 8 Q. And if you wanted to find out that information
13:46:55 9 for a possible end point, such as Nortel, how quickly
13:46:58 10 would it take you to go in there and pull up that
13:47:01 11 information, how much time?

13:47:02 12 A. I don't know how long it would take, because I
13:47:05 13 wouldn't do that.

13:47:07 14 Q. I'm assuming it's otherwise -- in this case
13:47:10 15 it's otherwise okay to do it?

13:47:12 16 A. It's not a Qwest location, so it is customer
13:47:18 17 proprietary to Nortel.

13:47:20 18 Q. Why is it proprietary to Nortel?

13:47:23 19 A. That's their --

13:47:24 20 Q. Is that Nortel's equipment or SWBT's
13:47:29 21 equipment?

13:47:30 22 A. It's the -- a customer location I consider is
13:47:33 23 proprietary, so any facilities going into that location
13:47:37 24 is considered proprietary and --

47:41 25 Q. I thought SWBT owned that box, not Nortel.

13:47:47 1 A. SWBT may own it, but it could be -- it could
13:47:49 2 be a dedicated ring going there. I don't know.

13:47:56 3 Q. Right. So if SWBT has an available DS3 at a
13:48:00 4 customer premise, why does that information belong to
13:48:05 5 someone who offices at that premise? I don't understand
13:48:10 6 your reasoning.

13:48:11 7 A. Me, as an account manager, I handle Qwest an
13:48:14 8 my account.

13:48:15 9 Q. I understand.

13:48:15 10 A. And I can provide them information on their
13:48:20 11 service that they've ordered from us. If they want to
13:48:23 12 know services to an end user location, I go through the
13:48:28 13 WALRSS process to see if facilities are available.
13:48:30 14 That's a network call. It's not an marketing call.

13:48:33 15 Q. Let's take a worst case example. Qwest wants
13:48:36 16 to build a circuit to Nortel. Nortel is not your
13:48:40 17 customer. You don't think you have the right to go in
13:48:44 18 there and look at their capacity, available capacity, at
13:48:49 19 their building, right? Is that what you're telling me
13:48:52 20 today?

13:48:52 21 A. Correct.

13:48:56 22 Q. The proper way to do it is how?

13:48:59 23 A. It would be to do an inquiry through the
13:49:02 24 WALRSS process.

13:49:04 25 Q. So the proper procedure under SWBT is to not

13:49:08 1 go to TIRKS but to use the WALRSS process, right?

13:49:12 2 A. Yes.

13:49:12 3 Q. So at that point when you do the WALRSS

13:49:17 4 analysis and the NSS people then tell you whether or not

13:49:22 5 that DS3 is available at Nortel -- they will tell you

13:49:29 6 whether or not that's available, right --

13:49:30 7 A. Yes.

13:49:31 8 Q. -- when you do the inquiry?

13:49:34 9 A. Yes.

13:49:34 10 Q. And at that point, you can relay it back to

13:49:37 11 Qwest, correct?

13:49:38 12 A. Yes.

13:49:38 13 Q. But you're not to go into TIRKS and find that
13:49:42 14 out?

13:49:43 15 A. I don't believe it's my -- I have any reason
13:49:45 16 to do that.

13:49:45 17 Q. That's your testimony here today?

13:49:47 18 A. Yes.

13:50:00 19 Q. So Qwest can get that information, though, as
13:50:04 20 long as you get it from the network side of the house,
13:50:07 21 right?

13:50:07 22 A. Yes.

13:50:09 23 Q. Now, either way Qwest is getting the same
13:50:12 24 identical information, aren't they? Whether you tell

13:50:19 25 them that DS3 is available directly or whether you tell

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13:50:23 1 them because network told you, you're still telling them
 50:26 2 that DS3 is available, aren't you?
 13:50:28 3 A. Well, I mean, if network -- they --
 13:50:31 4 Q. Aren't you?
 13:50:32 5 A. It may not be the same information.
 13:50:35 6 Hypothetically, if I went through and looked to see if
 13:50:39 7 facilities were available to Nortel, I would not
 13:50:41 8 necessarily know a path that could be established
 13:50:44 9 between Qwest facilities and Nortel, so I can't do the
 13:50:49 10 entire circuit design.
 13:50:52 11 MR. CRAWFORD: I object, nonresponsive.
 13:50:53 12 Q. Sir, in a hypothetical you were finding out
 13:50:58 13 whether or not a DS3 drop was available to the Nortel
 13:51:01 14 customer prem, you received response back from NSS, and
 13:51:04 15 you testified on the record that you would relay that
 13:51:07 16 then to Qwest. Isn't that correct?
 13:51:11 17 A. Yes.
 13:51:12 18 Q. Okay. So Qwest found that out -- that
 13:51:15 19 information out at the end of the day, correct?
 13:51:17 20 A. They found out, if they placed an order, that
 13:51:20 21 facilities were available for a DS3 from their POP to
 13:51:25 22 Nortel.
 13:51:27 23 Q. That facilities would be available for a DS3
 13:51:30 24 drop?
 13:51:31 25 A. Today facilities were available. Since the

13:51:33 1 order is not placed --

51:35 2 Q. Right. You're just telling them as of today

13:51:37 3 there is a DS3 drop available at the Nortel customer

13:51:42 4 prem?

13:51:42 5 A. Yes.

13:51:45 6 Q. Have you ever looked in TIRKS and done a

13:51:48 7 request for someone other than Qwest?

13:51:49 8 A. Yes, I have.

13:51:50 9 Q. Who was that?

13:51:53 10 A. I have been approached by other account

13:51:56 11 managers to provide an inventory for their customer and

13:52:00 12 they did not have access to TIRKS at the time.

13:52:03 13 Q. So you were looking at accounts that weren't

13:52:06 14 yours?

13:52:06 15 A. I provided information to the account manager,

13:52:08 16 yes.

13:52:09 17 Q. So you looked at information -- account

13:52:11 18 information that was not for your customer, correct?

13:52:14 19 A. That is correct.

13:52:16 20 Q. Okay. Is that a violation of your business

13:52:23 21 code of conduct?

13:52:24 22 A. I don't believe it was.

13:52:26 23 Q. Okay. So you can provide TIRKS information

13:52:31 24 regarding another SWBT customer to other account

52:36 25 managers? That's okay?

13:52:37 1 A. For their accounts.

52:38 2 Q. For their accounts. Is that okay under the
13:52:42 3 code of conduct?

13:52:43 4 A. As -- yes.

13:53:03 5 Q. If Qwest said, we need to find out an
13:53:09 6 inventory of all lit service we have to a building, to
13:53:13 7 our building, how long would it take you to use TIRKS to
13:53:17 8 tell them that?

13:53:19 9 A. Well, the only access I would have is what's
13:53:22 10 right in their SONET rings. I would not know what they
13:53:27 11 have on copper.

13:53:28 12 Q. Is copper not in TIRKS?

13:53:31 13 A. It may be, but I don't use TIRKS for that.

13:53:37 14 Q. So you're not trained to get the copper
13:53:40 15 information?

13:53:40 16 A. Correct.

13:53:41 17 Q. It may be readily available to someone who
13:53:44 18 knows how to get it, but you're not that person, right?

13:53:47 19 A. Right.

13:53:47 20 Q. So if they said they wanted all lit fiber
13:53:50 21 service -- an inventory of all lit fiber service to
13:53:54 22 their building, how long would it take you to pull that
13:53:58 23 up?

13:53:58 24 A. To provide their -- at the higher level to
54:02 25 their POPs and that would depend on how many --

13:54:07 1 Q. To a single customer building?

54:09 2 A. Well, I mean, they may have multiple

13:54:12 3 facilities to that building.

13:54:13 4 Q. Right.

13:54:16 5 A. Anywhere from -- I would say it could be done

13:54:22 6 in a day, in a business day, to find out what the higher

13:54:28 7 level is, the DS3s or OCNs.

13:54:32 8 Q. Can't you search TIRKS by customer address?

13:54:36 9 A. You can search TIRKS for customer address.

13:54:43 10 You can see what facilities go to that location.

13:54:47 11 Q. Right.

13:54:49 12 A. But then you have to look at what's riding

13:54:51 13 those facilities.

13:54:54 14 Q. If you search by address and put in --

13:54:57 15 A. You have to -- well, let me clarify. Customer

13:55:00 16 address I look as the ACTL code, the customer ACTL code.

13:55:07 17 Q. How do you spell that?

13:55:09 18 A. ACTL, access carrier termination location.

13:55:18 19 That is their customer specific code. It is an

13:55:24 20 11-character code, and I can put that in, but since I do

13:55:29 21 an inventory, I know what services or what facilities

13:55:33 22 Qwest has to each of their POPs.

13:55:37 23 Q. Right. Well, say, you know, you were required

13:55:42 24 by your employer to access TIRKS and find out a list of

55:47 25 all lit fiber service to 1717 Main, the building we are

13:55:51 1 in today, how quick could you do that, a huge
 56:01 2 multitenant building?
 13:56:02 3 A. I mean, you could -- I mean, you could type
 13:56:06 4 in --
 13:56:07 5 Q. You just type in 1717 Main, right?
 13:56:10 6 A. No, you can't just type in 1717 Main into
 13:56:13 7 TIRKS. You have to type in the ACTL code to get the
 13:56:20 8 facilities to this location.
 13:56:22 9 Q. The facilities, you mean fiber?
 13:56:25 10 A. In that screen, yes, in the screen that I use.
 13:56:31 11 Q. Tell me this ACTL code again. What does it
 13:56:34 12 stand for?
 13:56:35 13 A. Access carrier termination location. It's
 13:56:39 14 like the CLLI code.
 13:56:40 15 Q. Is it the same as the CLLI code?
 13:56:44 16 A. They're fairly synonymous.
 13:56:46 17 Q. So this deals with termination location,
 13:56:48 18 right?
 13:56:48 19 A. Yes.
 13:56:49 20 Q. So if you put in 1717 Main as the Z loc or the
 13:56:54 21 terminating location, wouldn't it give you everything
 13:56:56 22 that terminates to the building?
 13:56:56 23 A. I'm not aware of the screen where you can put
 13:57:00 24 in a location, an address, in TIRKS and get a location.
 13:57:03 25 It has to be --

13:57:04 1 Q. However you use the screen, what would be the
57:07 2 fastest way to determine all lit fiber to this building?

13:57:14 3 A. Assuming once you get the ACTL code, you could
13:57:21 4 go into one screen and find the systems for that
13:57:25 5 specific ACTL code, but I would not know all the ACTL
13:57:28 6 codes that would be in this building necessarily.

13:57:31 7 Q. Is the ACTL code going to be specific to a
13:57:34 8 tenant or is it going to be one for the whole building?

13:57:37 9 A. The ACTL code, there's an eight-character for
13:57:41 10 the building and then each tenant that has services has
13:57:44 11 a specific 11-character ACTL code.

13:57:47 12 Q. So can you search by the eight-character
13:57:54 13 building code?

13:57:54 14 A. It would only give you what terminates at the
13:57:57 15 eight-character code. It doesn't look at all --

13:57:59 16 Q. Which would be like the telecom equipment room
13:58:01 17 downstairs?

13:58:02 18 A. Yes.

13:58:02 19 Q. And if something didn't terminate there but
13:58:06 20 terminated in an upper suite, it wouldn't be listed
13:58:09 21 there?

13:58:09 22 A. That is correct.

13:58:10 23 Q. What if it terminates in a frame and then gets
13:58:13 24 jumped to another fiber coming into the suite, was that
58:17 25 listed in the eight-character code?

13:58:19 1 A. I don't know how it would be listed in TIRKS.
 58:21 2 It would just depend on the design.
 13:58:23 3 Q. Okay. Who in SWBT has access to TIRKS?
 13:58:54 4 A. Any manager that has valid reason that has
 13:58:59 5 requested service and it's been authorized by their
 13:59:01 6 supervisor I would assume.
 13:59:05 7 Q. Did you ever receive TIRKS training?
 13:59:07 8 A. No.
 13:59:07 9 Q. Did you ever receive any type of written
 13:59:10 10 guidelines on what you could use TIRKS for or not use
 13:59:14 11 TIRKS for?
 13:59:14 12 A. No.
 13:59:15 13 Q. Did you ever -- when was the first time you
 13:59:17 14 were instructed that there were limitations on what you
 13:59:20 15 could use TIRKS for?
 13:59:21 16 A. What do you mean limitations?
 13:59:25 17 Q. Well, you keep talking about valid business
 13:59:30 18 purpose and only for your customer and stuff like that.
 13:59:33 19 When was the first time someone told you that?
 13:59:35 20 A. That was -- nobody has told me that -- the
 13:59:40 21 limitations. It is what I feel is ethical and what I
 13:59:50 22 feel that I can do.
 13:59:52 23 Q. So you use your personal sense of ethics to
 13:59:56 24 decide what's the proper level of disclosure of the
 00:00 25 TIRKS information and what isn't?

14:00:02 1 A. No.

00:02 2 Q. There's nothing identified in the business

14:00:04 3 code of conduct or other writing at SWBT discussing

14:00:07 4 proper use of TIRKS information, is there?

14:00:10 5 A. Not that I'm aware of.

14:00:11 6 Q. And certainly no one has sat you down and

14:00:13 7 said, Dwayne, I want to talk to you about the proper use

14:00:16 8 of TIRKS information; that's never happened, has it?

14:00:19 9 A. Correct.

14:00:20 10 Q. Has anyone ever told you that you're not to

14:00:25 11 access certain third-party information or not to

14:00:30 12 access -- use TIRKS to access a third -- a customer of

14:00:39 13 SWBT to assist your customer in finding out the

14:00:42 14 facilities of another customer?

14:00:44 15 A. No.

14:00:46 16 Q. No. Has anyone ever told you -- any access

14:00:52 17 account manager that they're not to use -- to fall back

14:00:58 18 on the example -- to access TIRKS to provide their

14:01:01 19 customers information about the available facilities

14:01:07 20 with another SWBT customer where they want to terminate

14:01:11 21 their circuit?

14:01:12 22 MR. HARTLEY: Object, form.

14:01:13 23 A. I have no way of knowing that.

14:01:14 24 Q. Have you ever heard of any discussion like

01:16 25 that taking place?

14:01:17 1 A. Not to my knowledge.

01:18 2 Q. Isn't it true, Mr. Cunningham, that on a --

14:01:22 3 that access account managers do let their customers know

14:01:27 4 by using the TIRKS database, they let their customers

14:01:30 5 know what facilities are available for circuits that

14:01:34 6 their customers want to terminate to other companies?

14:01:36 7 MR. HARTLEY: Object to form.

14:01:37 8 A. I don't know of anyone that does that.

14:01:40 9 Q. You've never heard of that happening?

14:01:43 10 A. I said I don't know of it happening. I mean,

14:01:48 11 it has happened.

14:01:49 12 Q. Do you know Mr. Rob Park?

14:01:50 13 A. Yes, I do.

14:01:52 14 Q. I'm going to reask my question. Isn't it true

14:01:54 15 that access account managers use TIRKS to provide data

14:01:58 16 to their customers on available facilities at

14:02:01 17 third-party companies where their customer wants to

14:02:05 18 terminate circuits? Isn't that correct, sir?

14:02:07 19 MR. HARTLEY: Object, form.

14:02:07 20 A. I don't know what other account managers do

14:02:09 21 and don't do.

14:02:12 22 Q. You just told me it happens.

14:02:14 23 A. I have heard that particular individual, Ron

14:02:18 24 Park, did use it to access when he was employed by

02:22 25 Southwestern Bell.

14:02:23 1 Q. You've never heard of anyone else?

02:25 2 A. No, I have not.

14:02:30 3 Q. And you've never done it?

14:02:32 4 A. No.

14:02:36 5 Q. And if we track your TIRKS records, that will

14:02:40 6 never appear in your TIRKS records?

14:02:42 7 A. Correct.

14:02:43 8 Q. So your position is that if you're going to

14:02:45 9 find out that information such as whether or not there's

14:02:47 10 a DS3 drop at Nortel for Qwest to sell a circuit to

14:02:53 11 Nortel, that you're going to get that information from

14:02:56 12 NSS, right?

14:02:58 13 A. Yes.

14:02:58 14 Q. And then you'll provide that information to

14:03:01 15 Qwest based on what NSS told you and not from your own

14:03:05 16 searching of TIRKS?

14:03:06 17 A. Correct.

14:03:16 18 Q. Now, if no one has ever told you you couldn't

14:03:19 19 access Nortel's customer capacity on their customer prem

14:03:22 20 and provide that information to Qwest, why do you think

14:03:25 21 that's wrong?

14:03:26 22 A. I just don't feel that's correct behavior for

14:03:32 23 an account manager to look at facilities to another

14:03:37 24 location. I just don't feel that's correct.

03:40 25 Q. Even if it's going to help Qwest make a sale

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14:03:42 1 that Nortel wants to Nortel?

03:49 2 A. If Qwest wanted that circuit to Nortel, they
14:03:52 3 could be contacting their Nortel counterparts and verify
14:03:56 4 that they have facilities at their location.

14:03:58 5 Q. I mean, if I'm at Nortel and I want Qwest to
14:04:01 6 know whether or not I have a DS3 drop, how do I do that?

14:04:04 7 A. Well, Nortel should have the capabilities to
14:04:08 8 know what they have to their location. They would also
14:04:12 9 have to provide Qwest --

14:04:13 10 Q. You just told me that Qwest asks you what they
14:04:16 11 have.

14:04:17 12 A. When Qwest -- when they place their order,
14:04:20 13 like I say, I do an inquiry to see if facilities are
14:04:25 14 available. Once Qwest places the order to Nortel, there
14:04:28 15 has to be authorization from Nortel to accept the
14:04:31 16 circuit at their site. Southwestern Bell does not just
14:04:40 17 drop the circuit, so Nortel has to want the circuit,
14:04:45 18 also.

14:04:50 19 Q. Now, other access account managers, I assume
14:04:53 20 that when they want to let their customer know whether
14:04:58 21 or not there's available capacity at this other SWBT
14:05:04 22 customer premise, whether that's level 3 or Williams
14:05:07 23 POP, they will also get that information from NSS?

14:05:11 24 MR. HARTLEY: Object, form.

05:12 25 Q. Is that the proper procedure?

14:05:14 1 A. That is the proper procedure.

05:16 2 Q. So the proper procedure as an access account

14:05:18 3 manager is to get the information from NSS, then provide

14:05:22 4 that third-party capacity information to your customer,

14:05:26 5 but not to access TIRKS directly?

14:05:29 6 A. Correct.

14:05:29 7 Q. Okay. Have you ever taken a TIRKS printout

14:05:36 8 and given it to your customer?

14:05:39 9 A. I have given him equipment scans on their

14:05:43 10 drops, yes.

14:05:44 11 Q. And do you fax it to them, e-mail it to them?

14:05:49 12 How do you do it?

14:05:49 13 A. E-mail now.

14:05:51 14 Q. Okay. You just cut and paste it into --

14:05:53 15 A. An e-mail.

14:05:54 16 Q. -- e-mail.

14:05:56 17 And that's information that was only for

14:05:59 18 Qwest?

14:05:59 19 A. Yes.

14:06:06 20 Q. Can TIRKS be used to check the availability of

14:06:08 21 DS1 facilities?

14:06:17 22 A. I would assume at some level there would be.

14:06:21 23 Q. Certainly above a DS1 that all shows you up.

14:06:25 24 You've testified that that's what capacity shows up on

06:27 25 TIRKS, right?